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Michael Vertkin, Defendant, Pro se

United States District Court
Northern District of California

Dr. Anna Vertkin,	) Case No.: C 07 4471 SC
)
Plaintiff/Counter Defendant,	) DEFENDANT MICHAEL VERTKIN'S
	) REPLY AND OPPOSITION TO
vs.	) PLAINTIFF EX-PARTE MOTION TO
	) EXTEND DEADLINE FOR EARLY
Michael Vertkin, and Does 1-20.	) NEUTRAL EVALUATION
)
Defendants/Counter Claimant	) Date action filed: August 29,2007
)
	) Motion date: August 20, 2008
	) Time: 4:30 pm
	) Location: 17 th Floor, Courtroom1
	) Judge Hon. Samuel Conti

TO ALL PARTIES, THEIR ATTORNEYS OF RECORD AND THE COURT

Defendant Michael Vertkin opposes to Plaintiff's Dr. Anna Vertkin request the above entered action, on the following grounds:

According to ADR Local Rule 5-5(a) Request for extension of the deadline for conducting ENE session must be made 15 days prior to ENE session, therefore request for extension is untimely and must be denied. Plaintiff was aware and agreed to hold ENE session on August 21, 2008 for months. Just few days ago, on August 11, 2008 Plaintiff in her ENE statement represented that she will appear in person for ENE session.

1 Plaintiff provided no evidence that foreign government holding her documents. She did
2 not even specify the country which allegedly holding her passport or if she requested the help of
3 US Embassy or US State department. Defendant believes and therefore alleges that the reason
4 why she does not explain which government holding her passport is that a telephone call to that
5 country's embassy would reveal that it is just another fabrication. Even if Dr. Vertkin is traveling
6 abroad no government in the world holds US Citizen's passport, unless he or she has committed
7 a crime in the country.

8 Just a month ago in a letter to Defendant's divorce attorney Plaintiff demanded to
9 postpone marriage dissolution trial, stating that she has six month obligation to US Military.
10 When requested to provide any evidence of her military obligations, Plaintiff produced none.
11 Now she comes up with this latest excuse that some mysterious foreign government holding her
12 documents.

13 Plaintiff was informed and aware that in order complete ENE session on August 21, 2008,
14 Defendant had to postpone a medical procedure. Plaintiff is also aware that Defendant Michael Vertkin
15 has no funds or place to live at the end of August, forced to move from the Bay Area and cannot afford
16 to travel to attend yet another hearing, much less to hire an attorney to represent him. All of this
17 due to Plaintiff's two years of delays and harassment in the divorce proceedings. Plaintiff
18 retained most of the family funds and residence in Marin County after separation. For two years
19 Plaintiff use community funds in her possession to harass Defendant and delay marriage
20 dissolution trail. She used 7(seven) different attorneys in marriage dissolution case and are on
21 her 10th attorney of record change in that case. Defendant is informed and believes that Plaintiff
22 transferred all of the community funds to numbered Swiss accounts, in blatant disregard to
23 Family Court restraining orders.

24 In addition, Plaintiff has hearings on August 22, 2008 in marriage dissolution case on the
25 motion presented by the Plaintiff herself, which she was ordered by the Court to attend in person.

1 Defendant view this latest delay as frivolous and an attempt by Plaintiff to gain further advantage
2 in the divorce proceedings, presented for the purpose to harass, cause needless delay and increase in cost
3 of litigation for the Defendant. In his ruling on Defendant's Motion to dismiss, dated December 2, 2007
4 Hon. Judge Samuel Conti explicitly warn Plaintiff not to use instant proceeding including pleadings and
5 motions, for any improper purposes, such as harassment or delay. In spite of the warning Plaintiff did just
6 that. In her Bench –Bar settlement statement in the divorce case she offered to dismiss instant case, if the
7 Defendant agrees to forgo equitable community distribution. She filed motion in the Family Court for a
8 continuance of the trial in marriage dissolution case, stating that the marriage dissolution case is
9 dependant on outcome of this instant case for the purposes of community assets distribution, at the same
10 time she is moving this Court to delay proceedings.

11
12 WHEREFORE, Defendant prays for judgment as follows:

- 13
- 14 1. Deny Plaintiff's request to extend deadline for ENE session.
 - 15 2. Compel Plaintiff/ Counter Defendant Dr. Anna Vertkin to attend this ex-parte motion
16 hearing, at least telephonically, in order to explain on what grounds and which foreign
17 government holding her documents.
 - 18 3. Impose sanctions against Plaintiff in sum of \$25,000, a minimum amount of retainer
19 required by an attorney, to represent Defendant in this instant Case. This will allow the
20 Defendant to retain a counsel, and avoid future harassment by the Plaintiff and her
21 attorney.
 - 22 4. Fines and sanctions against Plaintiff under Rule 11, Fed.R.Civ.P. for filing frivolous and
23 unfounded motion, in order to gain advantage in the divorce case, in spite explicit orders
24 of this Court.
 - 25 5. Such other relief as may be warranted or as is just and proper.

Dated: August 19, 2008

Respectfully submitted
/s/

Michael Vertkin, defendant, *pro se*